

Serial No. 10/823,097

PATENT  
Client/Matter No.: M1015.70013US01**REMARKS**

Claims 485-504 have been added in the previous Amendment filed December 29, 2005. Thus, claims 485-504 are pending in the application. In the present Supplemental Amendment, claim 485 has been amended. Support for the insertion of the phrase "by a signaling entity" in claim 485 finds support at *inter alia*, page 46, first full paragraph. Therefore, no new matter has been inserted into the application.

**Rejection Under 35 U.S.C. §112, Second Paragraph**

Claim 276 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

The Examiner has criticized claim 276 for allegedly unclear preamble, and unclear language such as "adapted to be fastened" and means for determining immobilization without providing further specifics.

Newly added claims 485-504 recite clear preamble, and do not recite "adapted to be fastened". Regarding the clarity of language related to the means for determining the immobilization of the first and second colloidal particles, Applicants submit that a person of skill in the art would be able to detect the immobilization by detecting the signaling entity. Therefore, it is believed that this rejection has been overcome.

**Rejection Under Double Patenting**

Claim 276 has been rejected under the doctrine of double patenting as being unpatentable over claim 1 of copending Application No. 10/763,810. Applicants traverse this rejection.

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Reconsideration and withdrawal thereof are respectfully requested. Applicant respectfully requests the Examiner to hold this rejection in abeyance until either of these patent applications are otherwise in condition for allowance.

**Rejection Under 35 U.S.C. §102(b) over Liberti et al. (US 5,108,933)**

Claim 276 has been rejected under 35 U.S.C. §102(b) as being anticipated by Liberti '933. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Liberti '933 discloses that the colloidal particles are converted into magnetic microagglomerates via manipulation of their colloidal properties. Liberti '933 further discloses that separation takes place before determining the immobilization of the first colloid particle with the second colloid particle.

Applicants submit that the Liberti '933 reference fails to disclose or suggest the presently claimed invention directed to a method for immobilizing colloid particles comprising: allowing a first colloid particle to become immobilized with respect to a second colloid particle by binding interaction between a first chemical or biological species fastened to the first colloid particle and a second chemical or biological species fastened to the second colloid particle; and determining the immobilization of the first colloid particle with respect to the second colloid particle by a signaling entity.

Moreover, Liberti '933 fails to disclose using a signaling entity sub-micron particle for the detection of various biological components in a sample. Further, Liberti '933 discloses particles which are not coated with a self-assembled monolayer; and these particles have no

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signaling ability. Accordingly, the presently claimed invention fails to be anticipated by Liberti '933.

**Rejection Under 35 U.S.C. §102(b) over Masson et al. (US 4,279,617)**

Claim 276 has been rejected under 35 U.S.C. §102(b) as being anticipated by Masson '617. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Masson '617 discloses a particle agglutination assay for antigens, antibodies, and other binding proteins. The first particulate reagent binds with the antigen or antibody, and then the second particulate reagent is added which binds only to the first reagent particles which has bound to the antigen or antibody under assay, which causes agglutination.

Masson '617 fails to disclose or suggest the presently claimed invention directed to a method for immobilizing colloid particles comprising: allowing a first colloid particle to become immobilized with respect to a second colloid particle by binding interaction between a first chemical or biological species fastened to the first colloid particle and a second chemical or biological species fastened to the second colloid particle; and determining the immobilization of the first colloid particle with respect to the second colloid particle.

Moreover, Masson '617 fails to disclose using a sub-micron particle for the detection of various biological components in a sample. Further, Masson '617 discloses particles which are not coated with a self-assembled monolayer; and these particles have no signaling ability. Therefore, Masson '617 fails to anticipate the presently claimed invention.

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It is believed that the application is now in condition for allowance. Applicant requests the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. 502486 for any fees required under 37 CFR §§1.16 and 1.17 that are not covered, in whole or in part, by a credit card payment enclosed herewith and to credit any overpayment to said Deposit Account No. 502486.

**Date: January 10, 2006**

Respectfully submitted,

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